

---

---

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address  
73.165.251.189,

Defendant.

Case No. 2:17-cv-00510-AB

**PLAINTIFF'S SECOND MOTION FOR EXTENSION OF TIME WITHIN WHICH IT  
HAS TO EFFECTUATE SERVICE ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Malibu Media, LLC (“Plaintiff”), moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their internet service provider (“ISP”).

2. On February 7, 2017, Plaintiff was granted leave to serve a third party subpoena on Defendant’s ISP, Comcast Cable (“Comcast”), to obtain the Defendant’s identifying information [CM/ECF 5, 6]. Plaintiff issued the subpoena to Comcast on or about February 7, 2017.

3. Comcast identified a corporate housing company as the Internet subscriber assigned IP address 73.165.251.189 on November 15, 2016 (one day on which the infringement occurred).

4. The corporate housing company identified a third party as the individual occupying the address identified by Comcast on November 15, 2016. Plaintiff prepared its Amended Complaint naming a third party as Defendant and, indeed, filed the Amended Complaint with the Clerk of the Court earlier today, June 8, 2017.

5. Plaintiff filed its First Motion for Extension of Time to Serve Defendant on May 3, 2017 [CM/ECF 7] which the Court granted on May 5, 2017, extending the deadline to serve Defendant to June 8, 2017 [CM/ECF 10].

6. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and complaint on the Defendant be extended by an additional forty (40) days, or until July 18, 2017.

7. This motion is made in good faith and not for the purpose of undue delay.

8. None of the parties will be prejudiced by the granting of this extension. Additional time for Plaintiff to complete service would not impair Defendant's ability to defend this case on the merits.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendant be extended until July 18, 2017. A proposed order is attached for the Court's convenience.

Dated: June 8, 2017

Respectfully submitted,

By: /s/ A. Jordan Rushie  
A. Jordan Rushie, Esquire  
RUSHIE LAW, PLLC  
1010 N. Hancock Street  
Philadelphia, PA 19123  
P. 215-268-3978  
F. 215.505-0909  
jrushie@rushielaw.com  
PA Attorney Id: 209066  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2017 I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

By: /s/ A. Jordan Rushie  
A. Jordan Rushie, Esquire